



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2022-0027; Airspace Docket No. 21-ANM-70]

RIN 2120-AA66

#### Amendment of Domestic VOR Federal Airway V-356; Mile High, CO

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends VHF Omnidirectional Range (VOR) Federal airway V-356 by revoking the airway segment between the FIDLE and ELORE Fixes. The FAA is taking this action due to the Mile High, CO, VOR/Tactical Air Navigation (VORTAC) signal coverage supporting the airway segment having been determined to be unusable below 18,000 feet mean sea level (MSL) during flight inspection.

**DATES:** Effective date 0901 UTC, February 23, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

## **Authority for this Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

## **History**

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA-2022-0027 in the *Federal Register* (87 FR 4520; January 28, 2022), amending V-356 by revoking the airway segment between the FIDLE and ELORE Fixes due to the absence of a supporting navigational aid signal. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airway listed in this document will be published subsequently in FAA Order JO 7400.11.

## **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the ADDRESSES section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## **The Rule**

This action amends 14 CFR part 71 by revoking the V-356 airway segment between the FIDLE and ELORE Fixes due to the lack of usable navigational signal by the Mile High, CO, VORTAC below 18,000 feet MSL supporting the airway segment. FAA flight inspection determined the lack of navigational signal coverage during a routine inspection of V-356. The airway amendment is described below.

**V-356:** V-356 extends between the Red Table, CO, VOR/Distance Measuring Equipment (VOR/DME) and the Mile High, CO, VORTAC. As a result of the lack of Mile High VORTAC navigational signal coverage between the FIDLE and ELORE Fixes, the airway segment between the intersection of the Red Table VOR/DME 058° and the Kremmling, CO, VOR/DME 190° radials (FIDLE Fix) and the intersection of the Gill, CO, VOR/DME 211° and the Mile High VORTAC 265° radials (ELORE Fix) is removed. As amended, the airway is changed to extend between the Red Table, CO, VOR/DME and the FIDLE Fix and between the ELORE Fix and the Mile High, CO, VORTAC.

All NAVAID radials listed in the airway description below are unchanged and stated in True degrees.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this

rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **Environmental Review**

The FAA has determined that this airspace action of amending V-356, due to the lack of navigational signal coverage below 18,000 feet MSL between the FIDLE and ELORE Fixes by the Mile High, CO, VORTAC, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5-6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

### **The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

**Paragraph 6010(a). Domestic VOR Federal airways.**

\* \* \* \* \*

**V-356 [Amended]**

From Red Table, CO; to INT Red Table 058° and Kremmling, CO, 190° radials. From INT Gill, CO, 211° and Mile High, CO, 265° radials; to Mile High.

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Issued in Washington, DC, on November 30, 2022.

Scott M. Rosenbloom,  
Manager, Airspace Rules and Regulations.

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